



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

S.A. (MD)No.608 of 2010

1.Kaliyaperumal

2.Mahalingam (died)

3.Arumugam (died) ... Appellants / Appellants /
Defendants 1 to 3

4.Mallika

5.Gunasekar

6.Karuppasamy

(Appellants 4 to 6 are *suo motu* impleaded as Lrs of the
deceased 3rd appellant vide order dated 10.02.2022)

7.Shenbagavalli

8.Janaki

9.Kalaiselvi

(Appellants 7 to 9 are *suo motu* impleaded as Lrs of
the deceased 2nd appellant vide order dated 11.03.2022)

-Vs-

1.Lakshmi Ammal (died) ... Respondent / 1st Respondent /
Plaintiff

2.Sri Vaithialinga Pillai Charities
Thiruvalanzhuli rep. by its,
Managing Trustee

... Respondent / 2nd Respondent / 4th
Defendant

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code, against the judgment and decreetal order passed by the Principal Sub Judge, Kumbakonam, dated 06.11.2008 made in A.S.No.100 of 2006, confirming the Judgment and decreetal order made in O.S.No.230 of 2003, dated 30.01.2006 by the learned District Munsif Court, Kumbakonam.



For Appellant : Mr.B.Jameel Arasu
For R1 : Mr.G.Gomathi Sankar
For R2 : no appearance

JUDGMENT

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The defendants 1 to 3 in O.S.No.230 of 2003 on the file of the I Additional District Munsif Court, Kumbakonam filed this second appeal.

2. During the pendency of the second appeal, two of the appellants passed away and their legal heirs were *suo motu* brought on record. The plaintiff / first respondent also passed away. But her legal heir could not be traced. The learned counsel for the first respondent is unable to get instructions. Therefore, the second appeal is closed with liberty to the appellants herein to revive the second appeal as and when the legal heir of the plaintiff / R1 file any E.P for enforcing the impugned judgment and decree.

3. With this liberty to the appellants, the second appeal is closed. No cost.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

- 1.The Principal Sub Judge, Kumbakonam.
- 2.The District Munsif, Kumbakonam.

Copy To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. 2C

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-13157[F] dated 21/03/2022)

Judgment made in
S.A. (MD) No.608 of 2010
18.03.2022

RMI

MS/30.03.2022/2P.6C